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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION ***E-FILE**

E-FILED - 10/11/07

11 JOEL BENOLIEL, GREGG R. DAUGHERTY,
12 BRUCE E. HOSFORD, and DONALD S.
JEFFERSON,

Case No. C 07-03001-RMW

13 | Plaintiffs/Petitioners,

**JOINT STIPULATION AND
[PROPOSED] ORDER
CONTINUING THE HEARING
ON THE FIRST AMENDED
PETITION TO COMPEL
ARBITRATION AND THE CASE
MANAGEMENT CONFERENCE**

15 BLACKHAWK PARENT LLC, a Delaware limited
16 liability company, and EOP OPERATING
LIMITED PARTNERSHIP, a Delaware limited
partnership,

Prior Hearing Date: October 19, 2007

New Hearing Date: November 9, 2007

Defendants/Respondents.

1 Pursuant to Civil Local Rules 6-1(b), 6-2, 7-7(b) and 7-12 of the Federal District
2 for the Northern District of California, Plaintiffs/Petitioners Joel Benoliel, Gregg R. Daugherty,
3 Bruce E. Hosford, and Donald S. Jefferson (collectively, "Petitioners"), by and through their
4 respective counsel, submit this Joint Stipulation and Proposed Order Changing Time concerning
5 Petitioners' pending First Amended Petition to Compel Arbitration (the "Amended Petition")
6 scheduled to be heard October 19, 2007 (the "Hearing").

7 WHEREAS, Petitioners filed the Amended Petition on July 27, 2007;

8 WHEREAS, Respondents filed a Memorandum of Points and Authorities in
9 Opposition to the Amended Petition (the "Opposition") on August 10, 2007;

10 WHEREAS, Petitioners filed a Reply in Support of the Amended Petition on
11 August 17, 2007;

12 WHEREAS, a hearing on the Amended Petition was originally scheduled for
13 August 31, 2007 at 9:00 a.m.;

14 WHEREAS, on August 27, 2007, the parties submitted a joint stipulation and
15 proposed order, continuing the August 31, 2007 hearing to September 28, 2007;

16 WHEREAS, on August 28, 2007, the Court entered the proposed order continuing
17 the August 31, 2007 hearing to September 28, 2007;

18 WHEREAS, a Case Management Conference was also scheduled to occur on
19 September 28, 2007;

20 WHEREAS, on September 18, 2007, the Court *sua sponte* ordered that the hearing
21 on the Amended Petition and the Case Management Conference be continued to October 19, 2007;

22 WHEREAS, the parties are in continued discussions directed toward reaching a
23 negotiated resolution of the issues raised by the Amended Petition;

24 WHEREAS, the parties agree to continue the Hearing and the Case Management
25 Conference until November 9, 2007; and

26 WHEREAS, the parties agree that this Stipulation does not waive any of the rights
27 or defenses available to either party, and that each party reserves its rights to assert any and all

1 rights and defenses in the future and to provide further papers updating the Court and providing
2 any further developments;

3 NOW THEREFORE THE PARTIES JOINTLY REQUEST THE FOLLOWING:

4 Subject to the Court's approval, pursuant to Civil Local Rules 6-1, 6-2, 7-7(b) and
5 7-12 of the Federal District Court for the Northern District of California, that the Hearing and the
6 Case Management Conference be continued to 9 a.m. on Friday, November 9, 2007.

7 Dated: October 9, 2007

SULLIVAN & CROMWELL LLP



10 Michael H. Steinberg
11 Attorneys for Plaintiffs/Petitioners
12 JOEL BENOLIEL, et al.

13 Dated: October 9, 2007

SIMPSON THACHER & BARTLETT LLP

14 /s/ (with express permission)

15 Paul C. Gluckow
16 Attorneys for Defendants/Respondents
17 BLACKHAWK PARENT LLC and EOP
18 OPERATING LIMITED PARTNERSHIP

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 Dated: 10/11 2007

21 By



22 The Honorable Ronald M. Whyte
23 United States District Judge